| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/596,673 | 06/21/2006 | Ningjiang Chen | CN030041 | 9240 |

24737          7590          06/22/2010
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| EXAMINER |
|---|
| VU, TUAN A |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2193 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 06/22/2010 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/596,673 | CHEN ET AL. |
| | Examiner | Art Unit | |
| | TUAN A. VU | 2193 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *6/21/2006*.

2a)☐ This action is **FINAL**.            2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-15* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *6/21/06* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

| 1)☒ Notice of References Cited (PTO-892) | 4)☐ Interview Summary (PTO-413) |
|---|---|
| 2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3)☐ Information Disclosure Statement(c) (PTO/SB/08) Paper No(s)/Mail Date _____. | 5)☐ Notice of Informal Patent Application |
| | 6)☐ Other: _____. |

## DETAILED ACTION

1.    This action is responsive to the application filed 6/21/2006.

      Claims 1-15 have been submitted for examination.

### *Claim Objections*

2.    Claim 8, 11, 15 are objected to because of the following informalities:  the phrase

"includes the relative when said activating instruction' (in claim 8) exhibits a typographical error

in that 'the relative' should be 'the relative time'.  The phrase 'time parameter includes the when

said activating instruction' (see claim 11, 15) has a omission in that 'the when' should be "the

time when".

      Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

3.    35 U.S.C. 101 reads as follows:

      Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new
      and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.    Claims  9-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

      The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. §

101 for method claims and claims that recite a judicial exception (software) is that the claimed

invention recite a practical application.  The following link on the World Wide Web is the

United States Patent And Trademark Office (USPTO) reference in terms of guidelines on a

proper analysis on 35 U.S.C. §101 rejection.

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>

Specifically, claim 9 recites "apparatus" comprising means for receiving and acquiring, means for updating so that the updated module can activate multimedia event; none of which means being explicitly described as a hardware or tangible storage medium in the Specifications. Rather, the acts of receiving, acquiring, updating are construed as software functionalities, a listing of what constitutes "Functional Descriptive material".

The system claim for reciting "Functional Descriptive Material" (see Guidelines Annex IV, pg. 52-54) without explicit inclusion of real-world tangible apparatus cannot be construed as belonging to any of the four categories of permissible subject matter (not a apparatus, a process, article of manufacture, or composition of matter) and is rejected for constituting non-statutory subject matter.

Claims 10-12 are also rejected for not curing to the non-statutory deficiency of the base claim.

As per claim 13, the 'server' is recited herein as comprising *means for* receiving, acquiring, and updating as in the subject matter of claim 9; where 'server' is nowhere claimed as a hardware apparatus whereas the 'transmitting' means is construed as provided by some multimedia server environment (e.g. a broadcast program using UDP or multimedia script runtime) while none of the recited acts behind the "means for" is explicitly disclosed in the Specifications as implemented by hardware. For the same reasons as above ("Functional Descriptive Material" impropriety), claim 13 is rejected for constituting non-statutory subject matter, and claims 14-15 are also rejected for not curing to the non-statutory deficiency of the base claim.

*Claim Rejections - 35 USC § 103*

5.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.      Claims 1-2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig,

USPN: 6,654,785 (herein Craig), in view of APA (Admitted Prior Art: Background of Invention,

Specifications: pg. 1-4, Fig. 1-2) further in view of Han et al, "WebSplitter: A Unified XML

Framework for Multi-Device Collaborative Web Browsing" , CSCW 2000, pp.1-10, (herein

Han)

        **As per claim 1**, Adams discloses a method for processing the multimedia script,

wherein the multimedia script includes at least one initial application software (browser

application ... web document ... list of URLs – col. 3 lines 5-20 – Note: presentation of slides

with applets support within HTTP code – col. 5 lines 45-56 -- read on initial application), which

is used for activating a corresponding multimedia element (slides – col. 3 lines 53-62),

comprising the steps of:

        receiving an activating instruction (embeds ... java applet – col. 8 lines 31-59; col. 9

lines 17-31; Fig. 2, 4-5) which corresponds to said initial application software (col. 13 line 44 to

col. 14 line 31);

        acquiring a specific parameter of said activating instruction (e.g. parameters, location,

size, serverPort, CGIPath – col. 13 line 44-64; title/URL pair – col. 9 lines 17-37;  and

responding to said initial application software according to said specific parameter in order that the initial application software can activate said multimedia element based on the specific parameter acquired (col. 9 lines 17-37; col. 10 lines 13-42; Fig. 2 and related text).

Craig does not explicitly disclose that said initial application software is a initial responding software module. APA discloses presentation conference or tele-education in terms of broadcasting technology implemented via multi-terminals in a network has a primary program, auxiliary programs, the activation of which requiring some activation module(s) (i.e responding modules) implemented inside the multimedia scripts; thus this inclusion of activation software inside multimedia scripts ( APA: Specifications: pg. 1; Fig. 1) is falling under the ambit of the presentation application in Craig where a main program is run ( Fig. 2) using tag-embedded applets to invoke auxiliary support for primary services implemented in applets (Student Applet, Instructor Applet, LectureServer,–Web servers - col. 10 lines 8-42; JavaScript code – col. 14 lines 22-29). It would have been obvious for one of ordinary skill in the art to implement the initial application of slide presentation in Craig so that multimedia script includes a software module initially destined to respond (i.e. an initial responding software module) to the browser-based clients in the Lecture conference in view of the server, in light of the main program requiring auxiliary programs support as set forth in APA, because this included software module inside the script language would benefit of the HTML or W3C protocol (e.g. browser interpreting of script tags and embedded code) used in the very environment under which the presentation software is running so that responsive to such script execution, the underlying (responding) software module would trigger the activation of content (e.g. auxiliary

multimedia program) as taught in APA, the activation also conveyed by the role played by the

URL-specified applets in Craig's multi-terminal synchronizing of slide display.

Nor does Craig explicitly disclose responding to said initial responding software module

as: *updating said initial responding software module* according the specific parameter so that the

updated responding software module activates said multimedia event based on the specific

parameter. A service implemented as software (e.g. primary server 76) is disclosed in Craig to

respond to each user terminal (Fig. 3, Fig. 6) where software server modules are coordinated in

managing connections between instructor and students of a same lecture via using a

synchronizing server module (LectureServer) to update the content provider module

(LectureServer 77) and all student sessions (col. 9 li. 58 to col. 10 line 37), where event caused

by a user among other user's (or student) threads for displaying a slide is listened and is

coordinated with the synchronizing server, to allow the *student*'s request (for a specific slide) to

be fulfilled, denied or delayed (col. 11 line 51 to col. 12 line 32). Multimedia presentation as in

Craig via use of markup tag on a running browser to adapt to personalized views of a same web

page is disclosed in Han's multi-device audience presentation (Han: Fig. 1 pg. 2). Accordingly,

Han discloses a web server-side authoring of a XML web content to modify disposition of view

(split view) via use browser capability to transform or customize XML markup (Han: Fig. 2, 3

pg. 4), the transforming including annotating to implement access privileges or allowing partial

views (Han, sec 5 pg. 9-10). Based on the authoring capability using a script construct in Craig

(Craig: col. 15 lines 19 to col. 16 line 14) to define how the slides are to be loaded and presented,

it would have been obvious for one of ordinary skill in the art to implement servers responding to

said responding software module as mentioned above, so that this includes upgrading of the

language (server side authoring of script or markup update; i.e. XML tag customization)

implementing the responding software module, in order for this responding module as upgraded

to provide adjusted functionality (activation instruction) which is to provide views or

presentation of slides according to user's specification (specific parameter inside a activation

instruction). Based on the customization aspect of views as set forth in Han's server upgrading

approach and the user's personalized view requests being listened to and served in Craig, one

would be motivated to do so because using W3c and browser tag language as in Han would

enable tags to be standardized, namespace to be properly validated and attributes to be controlled

regarding certain application or architectural domains including effects of graphical presentation

(see Han: *simultaneous ... across devices ... per user partial views* - bottom L pg. 3) or NW-

related policy security rules( Han: sec 2.2 pg. 4-5; sec 3.1 pg. 6).

    **As per claim 2**, Craig discloses wherein said activating instruction includes a

multimedia mark (e.g. <APPLET> col. 8 lines 46-51; URL, A HREF - col. 15 lines 26-67).

    **As per claim 9**, Craig discloses an apparatus for processing the multimedia script,

wherein the multimedia script includes at least one initial application software which is used for

activating a corresponding multimedia element (refer to claim 1), comprising:

    receiving means for receiving an activating instruction, said activating instruction

corresponding to said initial application software (refer to claim 1);

    acquiring means for acquiring the specific parameter of said activating instruction (refer

to claim 1); and

responding means for responding said initial application software according to said specific parameter (refer to claim 1), so that the application software can activate said multimedia element according to the specific parameter acquired (refer to claim 1).

Craig does not explicitly disclose that said initial application software is an initial *responding software module*. Nor does Craig explicitly disclose responding to said initial responding software module as: *updating said initial responding software module* according the specific parameter so that the updated responding software module activates said multimedia event based on the specific parameter.

But these have been addressed in claim 1.

7.      Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogdon et al, USPubN: 2004/0103150 (herein Ogdon), in view of APA (Admitted Prior Art: Background of Invention, Specifications: pg. 1-4, Fig. 1-2)

**As per claim 13**, Ogdon discloses a server, in which a script is stored, wherein said script includes at least one initial responding software module ( host 200 – para 0069, pg. 7; encoded presentation URLs – para 0093-0094, pg. 9) which is used for activating a corresponding multimedia element, comprising:

means for processing the multimedia script file (presentation scripts - para 0101 pg. 10), comprising:

receiving means for receiving an activating instruction which corresponds to said initial application software;

acquiring means for acquiring the specific parameter of said activating instruction (e.g. performance identifier, identification of segments, sequencing information, alternative versions –

par 0101; Fig. 2-2D – Note: script action and HTTP structure reads on activation instruction – see URL – para 0068-0069; action 624, Fig. 3);  and

updating means for updating said  initial application software according to said specific parameter, so that the initial application software can activate said multimedia element according to the acquired specific parameter (para 0116, pg. 12-13; Fig. 2C, 2D and text);  and

information transmitting means for transmitting the activating instructions and the script files to the user terminals connected to said server (FTP, HTTP transport - para 0117-0142, pg. 13-15 – Note: using HTTP transport into user's browser – Figs. 2 - reads on transmission of markup page – script files - including content to be presented – see para 0038, pg. 4).

Ogdon does not disclose initial application software as *initial responding software module*. APA teaches modules designed to respond to user request from a presentation application and included in multimedia script (refer to claim 1); and it would have been obvious for one of ordinary skill in the art to implement the initial application of the NW based content presentation in Ogdon so that multimedia script includes a software module initially destined to respond (i.e. an initial responding software module) to the browser-based clients in the Ogdon multi-user presentation approach in view of the server, in light of the main program requiring auxiliary programs support as set forth in APA, for the same benefits provided by the W3C protocol and wide use of tag specification to implement chain of program execution embedded in browser related runtime or rendering of HTML-derived data.

**As per claims 14-15**, Ogdon discloses wherein said specific parameter includes a specific time parameter, wherein said specific time parameter includes the when said activating instruction is received (time 620, Fig. 3).

8.       Claims 3-4, 6-7, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Craig, USPN: 6,654,785 (herein Craig), in view of APA and Han et al, "WebSplitter: A Unified

XML Framework for Multi-Device Collaborative Web Browsing"; further in view of Ogdon et

al, USPubN: 2004/0103150 (herein Ogdon).

        **As per claims 3-4,** Craig does not explicitly disclose wherein said specific parameter

includes the specific time, wherein said specific time parameter includes the time when said

activating instruction is received.  Using script command to include a time is disclosed in Ogdon

approach for coordinating download of presentation material to a NW multi-user environment.

Accordingly, Ogdon display hierarchy of script level (Ogdon: HR:MN:SEC - Fig. 3) each having

a action associated with a virtual time, the hierarchy viewed and upgraded by a server (Ogdon:

host 200, Fig. 1A) as to implement user's authorization for content access similar to Han,

wherein Ogdon discloses complex issues regarding transmission of versioned content based on

different behavior at the user terminal (para 0011, pg. 2) the resources transmission therefor is

based on database of URL (para 0069, pg. 7), and where collection of segments being

transmitted depends on characteristic of the NW such that the server host can include a specific

time in a script command describing how the content to be activated would be received (Ogdon:

no time ... immediately, indefinite, time interval - para 0116, pg. 12).  Based on the widespread

use of markup tag to include parameters related to multiple domains as shown in Han, and the

markup authoring in Craig, it would have been obvious for one of ordinary skill in the art to

implement script command in the upgrading (based on received activation instruction) set forth

above, so that the specific parameter acquired (in the activation instruction) includes a time at

which the activation instruction is received (e.g. a virtual time for an action parsed from  a script

command as in Ogdon) because determination of time with respect to a request parsed from the

script approach as in Ogdon, would help the server determine correlation among streams of

requests thereby impart the needed marking via script commands (Ogdon: para 0116, pg. 12)

regarding timeline for content delivery (see Ogdon: Fig. 2A, B, C), all of which based on the

issues regarding NW availability (see Ogdon: para 0024-0035, pg. 3-4) and asynchronous

hierarchy of request in light of the bandwidth requirements or size of content.

      **As per claim 6**, Craig does not explicitly disclose wherein step (c) includes replacing

said initial responding software module with the corresponding responding software module

which responds to said specific parameter, including a parameter regarding time of delivery as in

Ogdon.  But the modifying of the script command from a server side to adapt to the user's

request acquired from a parsed parameter (time to display a slide or time of receiving such

request) within a markup request has been addressed in claim 1, hence the above step of

replacing with a responding module to respond to a specific parameter would have been obvious

based on the rationale of claim 1 and claim 4, where the parameter implemented by a server

script command based on Ogdon as set forth above, using the rationale in claims 3-4.

      **As per claim 7**, refer to the corresponding rationale set forth in claim 4.

      **As per claims 10-11**, refer to claims 3-4

      **As per claim 12**, refer to claim 6

9.     Claims 5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig, USPN:

6,654,785 (herein Craig), in view of APA and Han et al, "WebSplitter: A Unified XML

Framework for Multi-Device Collaborative Web Browsing"; and Ogdon et al, USPubN:

2004/0103150; further in view of Deutscher et al, US 2004/0001106 (herein Deutscher)

   **As per claim 5**, Craig does not explicitly disclose wherein said time when said activating instruction is received includes the relative time when said activating instruction is received. But the concept of absolute time and relative time is disclosed in Ogdon's virtual time and interval (see claims 3-4). Deutscher discloses a slide presentation in an authoring framework with modifying script parameter with time base (Deutscher: para 0247-0249, pg. 22), elapsed time marker (Deutscher: para 0140, pg. 13; Fig 11; Fig. 13; Fig. 20, 24) where the time code is supported by offset field (Deutscher: Fig. 18) to express relative timeline for sequences of slides (request to present one slide) to be played. It would have been obvious for one of ordinary skill in the art to implement the modifying of markup script in Craig's authoring approach using the modifying of script command in Ogdon in light of the relative time, based on Deutscher, as to when response or presentation action would be received within a relative timeline from a base time, because this relative time parameter would support preview of presentation in terms of educated perspective on the relative time disposition of slide or frame being displayed (Deutscher: using Script grid, Fig. 11), where executing the authored script would obviate cluttering of displayed resources, e.g. enabling user readability and separation of data from logic (Deutscher: para 0008 pg. 1).

   **As per claim 8**, refer to the corresponding rationale set forth in claim 5.

### Conclusion

10.    Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence - please consult Examiner before using) or 571-273-8300 ( for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


/Tuan A Vu/

Primary Examiner, Art Unit 2193

June  19, 2010